

**REMARKS**

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 1, 3-7, and 10-14 have been amended. Claims 1-14 are pending and under consideration. No new matter is presented in this Amendment.

**REQUEST FOR CORRECTED PAGE 2 OF FORM PTO-1449 FILED JULY 31, 2003**

In the Office Action, the Examiner forwarded copies of signed Form PTO-1449s indicating consideration of each of the references. However, while the Examiner initialed each of the references on page 1 of the Form PTO-1449 filed July 31, 2003, the Examiner did not initial each of the references on page 21 of the Form PTO-1449 filed July 31, 2003. Since the Examiner signed page 2 of this Form PTO-1449, it is respectfully requested that the Examiner also initial the references to further confirm consideration of the cited references therein.

**REJECTIONS UNDER 35 U.S.C. §102:**

On page 2 of the Office Action, the Examiner rejects claims 1, 2, 7 and 8 under 35 U.S.C. §102(b) in view of Hamada et al. (U.S. Patent 6,400,665). The rejection is respectfully traversed, and reconsideration is requested.

By way of review, claim 1 has been generally amended to incorporate the features of claim 3 as previously presented. Claim 7 has been generally amended to incorporate the features of claim 9 as previously presented. As such, consistent with the Examiner's statement on page 3 of the Office Action, it is respectfully submitted that Hamada et al. does not disclose the features of claims 1 and 7.

Claims 2 and 8 are deemed patentable due at least to their depending from corresponding claims 1 and 7.

On pages 2-3 of the Office Action, the Examiner rejects claims 11-14 under 35 U.S.C. §102(e) in view of Ko et al. (U.S. Patent 6,724,705). The rejection is respectfully traversed, and reconsideration is requested.

By way of review, Ko et al. is not available as prior art under 35 U.S.C. §102(e) since Ko et al. has the same inventive entity as the instant application. As such, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

Moreover, to the extent that one of the parent applications to Ko et al., Korean Patent

Application No. 1998-22390, was later published as European Patent Publication No. 0 965 988, European Patent Publication No. 0 965 988 suggests write protection states of the data area and the DMA of the lead in and lead out areas. Groups can also be write protected. (Paragraph 0051 through 0060, FIGs. 2 and 6 of European Patent Publication No. 0 965 988; FIG. 2). There is no suggestion that the write protection status extends to areas of the data area used for defect management.

In contrast, claim 11 recites, among other features, "a system controller that records write protection information for indicating one of a plurality of write protection statuses of the optical storage medium, one of the statuses being to allow defect management of a write protected optical storage medium through replacement of a defective area of the data zone with another portion of the data zone." As such, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

Claims 12-14 are deemed patentable due at least to their depending from claim 11.

**REJECTIONS UNDER 35 U.S.C. §103:**

On pages 3-4 of the Office Action, the Examiner rejects claims 3-6, 9 and 10 under 35 U.S.C. §103(a) in view of Hamada et al. and Ko et al. The rejection is respectfully traversed and reconsideration is requested.

As noted above, Ko et al. is not available as prior art under 35 U.S.C. §102. As such, it is respectfully requested that the Examiner reconsider and withdraw the rejection. Moreover, European Patent Publication No. 0 965 988 does not suggest the use of spare areas for defect management, and instead suggests write protection states of the data area and the DMA of the lead in and lead out areas. Groups can also be write protected. (Paragraph 0051 through 0060, FIGs. 2 and 6 of European Patent Publication No. 0 965 988; FIG. 2). There is no suggestion that the write protection status extends to areas of the data area used for defect management.

In contrast, claim 1 recites, among other features, that "the data zone includes a user data area and a spare area used to replace a defective area of the user data area," and "one of the write protection statuses indicates that the user data area is write protected and the spare area is not write protected." Since Hamada et al. is not relied upon and does not disclose such a feature, it is respectfully requested that the combination does not disclose or suggest the features of claim 1.

For at least similar reasons, it is respectfully submitted that the combination does not

disclose or suggest, among other features, "a pickup to record data on and/or reproduce data from a data zone of the optical storage medium, the data zone being between lead in and lead out zones and including spare areas used for replacing defective areas of the data zone," and "a system controller that records write protection information for indicating a size of a write protected area of the data zone as differentiated from a plurality of sizes of write protected areas of the data zone" as recited in claim 7.

Claims 3-6, 9 and 10 are deemed patentable due at least to their depending from corresponding claims 1 and 7.

**OBVIOUSNESS TYPE DOUBLE PATENTING**

On page 4 of the Office Action, the Examiner rejects claims 1-14 on the ground of nonstatutory obviousness-type double patenting in view of claims 1-10 of U.S. Patent No. 6,862,256. Since claims 1-14 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP 804(I)(B). As such, it is respectfully requested that the applicant be allowed to address any obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §§102 & 103 are resolved and that the rejection be reconsidered in light of the claims presented above.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

**Serial No. 10/630,922**

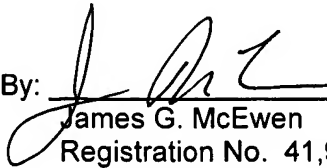
**Docket No. 1293.1952**

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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